



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

LCC:lc

Docket No: 6866-99

16 May 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 16 May 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by CMC memorandum 1001/1 MMEA-6 of 28 February 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. Enclosed is a copy of the page 11 you signed acknowledging you were ineligible to reenlist because you refused to extend for permanent change of station orders. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:
1001/1
MMEA-6
28 FEB 2000

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: BCNR DOCKET NO. 06866-99 CASE OF SERGEANT WAYNE R. WHITE
FORMER MARINE

1. After reviewing Mr. [REDACTED] [REDACTED] denied.
2. Mr. [REDACTED] command submitted a reenlistment request on 22 March 1999. Mr. White was denied reenlistment on 30 March 1999, because he did not meet reenlistment prerequisites according to Marine Corps Order P1040.31H, Enlisted Career Planning and Retention Manual. Specifically, he did not meet height/weight/bodyfat standards and did not have a current physical fitness test score.
3. Mr. [REDACTED] contends he did not refuse orders. However, his service record book (SRB), page 11, indicates he refused to extend or reenlist to execute permanent change of station orders (PCSO) to 2d Force Service Support Group, Camp Lejeune with a report date of 22 April 1996. A signed entry by [REDACTED] in his SRB confirms he refused to extend or reenlist to execute PCSO. Additionally, [REDACTED] voluntarily signed his Certificate of Release or Discharge from Active Duty, DD form 214, acknowledging he was receiving an reenlistment eligibility (RE) code RE-30. A RE code of RE-30, according to Marine Corps Order P1040.31H, explains a Marine is assigned this when he or she, "refused to extend or reenlist to deploy or to incur obligated service for orders received."
4. [REDACTED] voluntarily separated from the Marine Corps at the end of his current contract. Therefore, there is no basis for awarding separation pay to former Sergeant White.
5. Point of contact is Captain M. P. Cody, DSN 278-9238.

MARK W. VANOUS
LIEUTENANT COLONEL
ASSISTANT HEAD, ENLISTED ASSIGNMENT BRANCH